

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BEAU MAESTAS,
Plaintiff,

v.

WARDEN GITTERE, et al.,
Defendants.

Case No.: 3:23-cv-00330-MMD-CLB

ORDER
(ECF No. 1)

On July 6, 2023, pro se plaintiff Beau Maestas, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). The application to proceed *in forma pauperis* is incomplete because **Plaintiff did not include a completed financial certificate and an inmate trust fund account statement for the previous six-month period with the application.**

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. *See id.* at § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. *See* 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
2 See 28 U.S.C. § 1915(b).

3 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
4 is denied without prejudice.

5 It is further ordered that Plaintiff has **until Monday, September 18, 2023**, to either
6 pay the full \$402 filing fee or file a new fully complete application to proceed *in forma*
7 *pauperis* with all three required documents: (1) a completed application with the inmate's
8 two signatures on page 3, (2) a completed financial certificate that is signed both by the
9 inmate and the prison or jail official, and (3) a copy of the inmate's trust fund account
10 statement for the previous six-month period.

11 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
12 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
13 to refile the case with the Court, under a new case number, when Plaintiff can file a
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15 The Clerk of the Court is directed to send Plaintiff Beau Maestas the approved
16 form application to proceed *in forma pauperis* for an inmate and instructions for the same
17 and retain the complaint and exhibits (ECF No. 1-1) but not file them at this time.

18 DATED THIS 18th day of July 2023.

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22 UNITED STATES MAGISTRATE JUDGE
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